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<b>TO:</b>	<b>FROM:</b>
<b>Name:</b> Mail Stop AMENDMENT Group Art Unit 3738/Examiner Bruce Snow	<b>Name:</b> Thomas H. Martin, Esq.
<b>Firm:</b> U.S. Patent & Trademark Office	<b>Phone No.:</b> 330-877-2277
<b>Fax No.:</b> 571-273-8300	<b>No. of Pages (including this):</b> 17
<b>Subject:</b> U.S. Patent Application No. 09/921,844 Gary K. Michelson Filed: August 3, 2001 SPINAL IMPLANT SURFACE CONFIGURATION Attorney Docket No. 101.0084-01000 Customer No. 22882 Confirmation No.: 8295	<b>Date:</b> October 21, 2005  <b>Confirmation Copy to Follow:</b> NO

## Message:

## CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Information Disclosure Statement (\$180 IDS fee is to be charged to Deposit Account No. 50-1068) and Form PTO-1449 with two documents are being facsimile transmitted to the U.S. Patent and Trademark Office on October 21, 2005.

  
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PATENT  
Attorney Docket No. 101.0084-01000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 8295
Gary K. Michelson	)	
Serial No.: 09/921,844	)	Group Art Unit: 3738
Filed: August 3, 2001	)	Examiner: Bruce Snow
For: SPINAL IMPLANT SURFACE	)	
CONFIGURATION	)	

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-1068.

Copies of the listed non-U.S. patent documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

An English-language translation/abstract of the non-English European document is attached.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines

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that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: October 21, 2005

By:   
Thomas H. Martin  
Registration No. 34,383

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OCT 21 2005

OMB 0651-0031

Substitute for FORM PTO-1449		Attorney Docket Number 101.0084-01000		Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary K. Michelson		Application Number 09/921,844	
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Filing Date August 3, 2001		Group Art Unit 3738	Examiner B. Snow
<b>U.S. PATENT DOCUMENTS</b>					
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	FILING DATE IF APPROPRIATE
	5,306,308	4/1984	Gross et al.		
	5,425,772	6/1995	Brantigan		
	5,713,899	2/1998	Mamay et al.		
	5,865,846	2/1999	Thalgott		
	5,888,227	3/1999	Cottle		
	5,989,289	11/1999	Coates et al.		
	6,019,783	2/2000	Perren et al.		
	6,080,158	6/2000	Lin		
	6,143,033	11/2000	Paul et al.		
	6,425,920	7/2002	Hamada		
	6,511,509	1/2003	Ford et al.		
	6,660,038	12/2003	Boyer, II et al.		
<b>FOREIGN PATENT DOCUMENTS</b>					
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	TRANSLATION (YES/NO)
	0 637 440	2/1995	Europe		Abstract Only
	1 107 854	8/1984	Soviet Union		No
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>					
EXAMINER		DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.					